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2 July 1951

The Honorable George C. Marshall
The Secretary of Defense
Washington, D. C.

Dear General Marshall:

I have carefully studied the proposed revision of NSCID-5 as prepared by the Joint Chiefs of Staff and have compared it with the original directive which it is designed to replace. The proposal of the Joint Chiefs of Staff appears to disregard the intent of Congress as expressed in the National Security Act of 1947 and as revealed in the record of Congressional hearings prior to the passage of the Act. During these hearings it was made clear that the purpose of Congress in enacting the law was to centralize control of clandestine activities abroad. The term, "services of common concern," as finally written into the law was used, among other subjects, to cover clandestine espionage operations.

The proposed revision seems also (see paragraph 1, subparagraph a of the draft) to disregard the fact that the responsibility of the Director of Central Intelligence is to the National Security Council and the President—a status which was reaffirmed recently in the President's hand-written comments on the Joint Chiefs of Staff document proposing revision of NSC 10/2, which also pertains to this Agency. The special operations of this Agency are designed to support in every possible way the requirements of the Departments and Services which operate under the statutory members of the National Security Council but the channel of responsibility to the National Security Council remains clear.

From the practical point of view, it is unwise to have a number of different authorities conducting clandestine operations. When I assumed my present duties, I found that a number of Government Departments were operating their own "spy nets" abroad. One

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or two of these were voluntarily transferred to CIA control in accordance with the intent of law. Others remain in existence, and we cross trails from time to time; sometimes with ludicrous and occasionally with rather tragic results. On the whole, however, this multiplicity of control of a very sensitive type of operation is a thoroughly bad business. I believe it can be corrected in time by establishing a broader base of confidence and cooperation in CIA operations and by improving those operations to the point where they meet the needs of the agencies CIA is designed to serve.

NSCID-5 as presently in effect, after stating in paragraph 1 that the Director of Central Intelligence shall conduct all organized Federal espionage operations outside the United States and its possessions for the collection of foreign intelligence information required to meet the needs of all Departments and Agencies concerned in connection with the national security, makes exception "for certain agreed activities by other Departments and Agencies." I am prepared at any time to discuss any such activities proposed by other Departments and Agencies and to endeavor to reach an agreement with respect to them. Furthermore, I am obligated under paragraph 4 of NSCID-5 to coordinate such agreed activities of "casual agents" with the organized covert activities.

I wish to make it clear that this Agency is entirely willing to place its personnel under the American theater commander in any theater of active military operations where American troops are engaged and is equally willing, and indeed anxious, to coordinate its activities with the Joint Chiefs of Staff. If it is necessary to formalize this attitude, a brief statement like that embodied in the recently approved revision of paragraph 4, NSC 10/2, should be sufficient. Accordingly, I do not believe that the proposed revision merits consideration by the National Security Council. The present directive seems quite adequate.

Faithfully,

s/ Bedell Smith

DCI:LEC:b

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